

PATENT
Attorney Docket No. 101.0050-00000
Customer No. 22882
Via U.S. Express Mail Label No. ER 459767235US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Confirmation No.: 5055
Gary K. Michelson)	
Serial No.: 08/484,928)	Group Art Unit: 3731
Filed: June 7, 1995)	Examiner: David Reip
For: FRUSTO-CONICAL INTERBODY)	
SPINAL FUSION IMPLANT)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

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JUN 16 2004
TECHNOLOGY CENTER R3700

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final Action or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), the fee of \$180.00 as specified by Section 1.17(p) is to be charged to Deposit Account No. 50-1066.

Copies of the listed documents are attached.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

English language abstracts and/or translation of the non-English documents are enclosed.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant

reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1066.

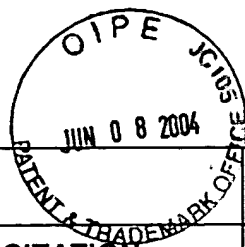
Respectfully submitted,

MARTIN & FERRARO, LLP

Date: June 8, 2004

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Substitute for FORM PTO-1449		Attorney Docket Number 101.0050-00000		Customer No. 22882		
INFORMATION DISCLOSURE CITATION IN AN APPLICATION		Applicant Gary K. Michelson		Application Number 08/484,928		
(Use several sheets if necessary) Sheet <u>1</u> of <u>1</u>		Filing Date June 7, 1995		Group Art Unit 3764		Examiner M. Brown
U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
FOREIGN PATENT DOCUMENTS						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION (YES/NO)
	1 328 957	05/1994	Canada			N/A
	2 151 481	03/1995	Canada			N/A
	0 493 698	07/1992	Europe			Abstract Only
	0 637 439	02/1995	Europe			N/A
	0 637 440	02/1995	Europe			Abstract Only
	0 646 366	04/1995	Europe			N/A
	3 620 549	12/1987	Germany			Yes
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)						
EXAMINER	DATE CONSIDERED					
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.						